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JUL 13 2007

Remarks/Arguments

In the Office Action mailed April 3, 2007, claims 1-6, 13, 15-22, 34 and 37 were rejected under 35 U.S.C. § 112, second paragraph. Claims 23, 24, 30 and 38 are rejected under 35 U.S.C. § 102(b) over WO 94/17154. Claims 31-33, 36 and 39 stand provisionally rejected over claims 1-4, 12 and 13 of copending application No. 11/701,353.

Initially, in the Office Action of April 19, 2006, the examiner indicated that claims 6-11, 13, 15-22, 31-34, and 36, exemplifying the original scope of the invention as referred to by the examiner, were allowable over the art of record. In view of the claim amendments herein, it is now believed that all of claims 6-11, 15-22 and 36 are in allowable condition, which action is respectfully solicited.

I. The Rejection of Claims 1-6, 13, 15-22, 34 and 37 Under 35 U.S.C. § 112, Second Paragraph

The amendments to claims 15 and 11 are believed to overcome this rejection; reconsideration and withdrawal thereof is respectfully solicited.

II. The Rejection of Claims 23, 24, 30 and 38 Under 35 U.S.C. § 102(b) over WO 94/17154.

WO/94/17154 (WO'154 patent) generally relates to an iterated foam process and composition for well treatment. As foam generating agents, WO'154 discloses a combination of amphoteric and anionic surfactants, although he also discloses a combination of cationic and amphoteric surfactants as foaming agents. These foaming agents are employed in order to REMOVE particulate material from a wellbore.

In contradistinction, claim 23 claims a well drilling operation, coil-tubing operation, construction operation, or mining operation which comprises suspending particles in a thickened aqueous liquid of the invention. The thickened aqueous liquid of the invention comprises a cationic surfactant and at least one additive

in an amount sufficient to thicken said aqueous media. The invention of claim 23 does not claim a combination of amphoteric and cationic surfactants, does not claim a foaming operation (although it is possible to foam the viscoelastic compositions of the invention) and does not remove particulates from the wellbore as does WO'154. In reality, in claim 23, particulate matter is introduced into the oil bearing formation for various well related operations.

Claims 24 and 38 are dependent on claim 23 and if not anticipate by WO'154 for the same reasons as claim 23.

Claim 30 is directed to a method of reducing the friction exhibited by an aqueous liquid during flow through a conduit. The examiner alleges that the composition of WOP'154 would clearly reduce friction as in claim 30, apparently because it may contains some fatty acid, or salt thereof. Applicants disagree.

Initially, the examiner is respectfully requested to note that at page 13, lines 30-32, WO'154 states that fatty acid salts are useful in aiding the collapse of foams as the pH is lowered. Thus, the fatty acids/salts are added in WO'154 for a totally different purpose, and if one is not claiming a foaming method, then, according to the teachings of WO'154, there is no teaching to use a fatty acid/salt. Further, WO'154 relates to a foamed composition, and it utilizes a combination of amphoteric and cationic surfactants. Claim 30 does not relate to a foamed composition and claim 30 does not utilize a combination of amphoteric and cationic surfactants. Finally, claim 30 relates to a method. Where is the claimed method disclosed in WO'154?

For all of the reasons mentioned above, applicants respectfully submit that the rejection of claims 23, 24, 30 and 38 under 35 U.S.C. § 102(b) over WO 94/17154 is improper; reconsideration and withdrawal thereof is respectfully requested.

Regarding the provisional rejection of claims 31-33, 36 and 39 over claims 1-4, 12 and 13 of copending application No. 11/701,353; a terminal disclaimer will be filed once the remaining issues in the present case have been resolved.

In view of the foregoing amendments and remarks, applicants respectfully submit that all of the pending claims are in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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